

STATE OF INDIANA

DIVISION OF STATE COURT ADMINISTRATION



SUPREME COURT

RANDALL T. SHEPARD, CHIEF JUSTICE

LILIA G. JUDSON, EXECUTIVE DIRECTOR
DAVID J. REMONDINI, CHIEF DEPUTY EXECUTIVE DIRECTOR

30 SOUTH MERIDIAN STREET SUITE 500
INDIANAPOLIS, IN 46204-3568
(317) 232-2542
FAX (317) 233-6586
www.IN.gov/judiciary

April 29, 2010

Ms. Julie Fithian
Martin County Clerk
P.O. Box 120
Shoals, IN 47581

Dear Ms. Fithian:

I am pleased to inform you that your request to post non-confidential court information on the Internet has been approved, contingent upon your vendor submitting a new Request for Bulk Distribution and a new Bulk Data User Agreement to the Division no later than June 30, 2010, and subject to the conditions set forth in this letter. This approval is administrative in nature and is granted under the provisions of Trial Rule 77(K).

1. You are authorized to post non-confidential party, attorney, case number and CCS information on the Internet, as well as the court calendar. Should you decide to make any changes to what you propose to post, you must seek and obtain specific approval for such changes.
2. You must provide a copy of this approval letter to the judge.
3. Approval of this request to post information on the Internet in no way reduces the obligation of the clerk and court to make non-confidential court information available to the public through traditional means in response to in-person and telephone inquiries.
4. You, the judge, and any entity involved in providing technology services for court records are responsible for taking reasonable steps to ensure that Administrative Rule 9, as well as all other applicable state and federal laws are followed, including without limitation those laws pertaining to confidentiality.
5. Your contract with your case management vendor and the Internet services provider must comply with the requirements of Administrative Rule 9(K).
6. Your contract with your vendor must explicitly make clear that all information and data remain the property of the court, and any use of the data other than as specified

by this authorization, is prohibited. No court data will be sold, licensed, or otherwise made available to any other entity for any other purpose.

7. You must conduct periodic audits of the data being provided over the Internet in order to assure compliance with this approval, Administrative Rule 9 and other relevant laws.

8. You must assure that the display on the Internet will provide appropriate advice and/or disclaimer to users about the non-official status of the information displayed on the Internet.

9. If your County Board of Commissioners has adopted an electronic system fee to be charged in conjunction with public access to court records, you must have the fee approved by the Division, and the method of the fee's collection, deposit, distribution and accounting must be approved by the Indiana State Board of Accounts as required by Administrative Rule 9(E).

10. The Division of State Court Administration will be collecting information from clerks and courts that provided information over the Internet to report on matters related to the posting of court records, including the number of subscribers, fees collected and any security breach issues that have arisen. This report will be required as part of the renewal process.

11. The Supreme Court and the Division of State Court Administration reserve the authority to make changes to the approval process and to the rules governing both the approval and the posting of information. Any contractual arrangement should reflect acknowledgment of this authority.

12. The vendor that you use to transfer court data to its own servers as part of the posting process was previously approved by the Division in 2009 to receive bulk distribution and has been operating under the terms of the User Agreement executed in February 2009 with the consent of the Division, pending the Division's revision of the terms of the User Agreement. The vendor must execute and file with the Division of State Court Administration a new Request for Bulk Data/Compiled Information and a new User Agreement for Bulk Distribution of Data no later than June 30, 2010. If any changes occur during the year, both documents must be amended.

13. All vendors receiving bulk data transfers, including transfers for the purpose of posting court records in accord with T.R. 77(K), must fill out a Distribution Receipt Form for Bulk Distribution of Data or Compiled Information and file the completed form with the Division of State Court Administration within thirty (30) days of the first distribution.


14. This approval expires **January 31, 2011**. Renewal requests should be made using a form provided by the Division of State Court Administration, and should be made at least ten (10) days prior to the expiration of this approval.

Please feel free to contact me should you have any further questions or should you need any further assistance.

For your reference, I am enclosing excerpts from Administrative Rule 9, specifically, sub-sections (E), (G), (H), (K) and (L) of the rule. The full text of Administrative Rule 9 can be found at http://www.courts.in.gov/rules/admin/index.html#_Toc245015560.

This authorization to post court records on the Internet will become effective when we receive an acknowledgment from you that you accept the conditions set forth in this letter.

Sincerely,


James R. Walker
Director, Trial Court Management



**Indiana Supreme Court
Division of State Court Administration
Request to Post Court Information on the Internet
under Trial Rule 77(K) – Initial Request**

You must complete this form prior to posting court information on the Internet.

Important Notes: A vendor who accesses court information under this request must execute a Bulk Data User Agreement with the Division of State Court Administration under Administrative Rule 9 before this request may be approved and before any court information may be released to that vendor.

If a vendor is used, the Division will not approve any request that is not accompanied by a copy of the agreement between the clerk and the vendor, which agreement must include provisions requiring the vendor to report any breaches of security and/or any unauthorized release of confidential information bi-annually, and providing for an annual audit, at vendor expense, of revenues generated by the contract.

For questions related to this form, please contact Jeffrey S. Wiese. All materials should be submitted to the Division of State Court Administration, Attn: Jeffrey S. Wiese, 30 South Meridian Street, Suite 500, Indianapolis, IN 46204, or by fax to (317) 233-6586.

County: Martin Date of Request: 02/02/2010
Clerk: Julie Fithian Vendor* (if any): Doxpop, LLC
*See Important Notes above

Requestor Name: Julie Fithian Phone Number (812) 247-3651

Requestor E-Mail Address: clerk@martincounty.in.gov

Requestor Address: P.O. Box 120

Shoals, IN 47581

Requestor Office/Position/Title: Clerk of Circuit Court

Section 1- For New Postings:

4. ☐ Other (please describe access):

I. Will your system require users to subscribe or register? ☒ Yes (**not all users—unregistered users may obtain limited information**) ☐ No

If no, skip to Question J. If yes, please attach the subscriber agreement to this document, and answer the following questions:

1. Is there a cost for subscription? ☒ Yes ☐ No If yes, how much? \$ **Cost is based on search plan level--Please see the attached fee schedule, Attachment 4, Exhibit B**

2. What information may a **subscriber** obtain electronically? _____
See Appendix.

3. Is there an additional cost for **subscribers** to access specific records?
☐ Yes ☒ No If yes, how much is the cost to **subscribers**? \$ _____ and how is it assessed (per record, per search, etc.)? _____

J. Can the **general public** access specific case records? ☒ Yes ☐ No

1. What information may the **general public** obtain electronically? _____
See Appendix.

2. Is there an additional cost for the **general public** to access specific records?
☐ Yes ☒ No If yes, how much is the cost to the **general public**? \$ _____ and how is it assessed (per record, per search, etc.)? _____

K. How will the clerk/court monitor subscriber/vendor relations? Who is responsible for audits and oversight and how often are audits reported to the courts? **See Appendix.**

L. What means will be used to terminate access if a subscriber or vendor misuses or violates the agreement, who will implement the termination, are there other consequences besides termination of access (list any), and are there any safeguards in place to prevent misuse of the system?
See Appendix.

M. What information do you plan to include on your site? (Choose all that apply)

General Public Access	Subscriber Only Access	
<input type="checkbox"/>	<input type="checkbox"/>	Courthouse Information (driving directions, parking, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	Court Information (address, phone numbers, general hours, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	Judge Information (biographical, jurisdiction, etc.)
X	X	Index
<input type="checkbox"/>	X	CCS
<input type="checkbox"/>	<input type="checkbox"/>	RJO
X	X	Court Calendar
<input type="checkbox"/>	<input type="checkbox"/>	Printable Forms
<input type="checkbox"/>	<input type="checkbox"/>	Self-Help Information
<input type="checkbox"/>	<input type="checkbox"/>	Other (please describe below)

If you selected "other", please describe: _____

N. How often will the site be updated and by what means (vendor or court/county staff)?
See Appendix.

O. In addition to confidential information under Administrative Rule 9, is there particular information that will be redacted or that will not otherwise be available to the general public? X Yes ☐ No
Describe: **See Appendix.**

P. In addition to confidential information under Administrative Rule 9, is there particular information that will be redacted or that will not otherwise be available to subscribers? X Yes ☐ No
Describe: **See Appendix.**

Q. Is the court's case management system web-based or will the information be transferred to a vendor's server?
Please explain: **The information is transferred to Doxpop's server for Internet publication.**

R. Please describe, in detail, what kind of security process will be used to safeguard court information that is posted to the Internet, as well as the court information/case management system on the court's own server, e.g., firewall, redundant back up:
See Appendix.

S. Please provide details on your plan and/or procedure for updating the site, including the individual(s) responsible for checking information posted to the Internet, how frequently the information is reviewed, and how often updates to the web site are reported to the courts for approval of the updates: _____

See Appendix.

Section 2 – Required For All Requests

ATTACHMENTS: Please attach the following to this request:

1. Copy of the Consent of the Judges for posting the records under Trial Rule 77(K).
2. Copy of samples of web pages or screen prints.
3. Copy of the agreement between the Court/Clerk and any outside vendor, if applicable.
4. Copy of the letter from the Division of State Court Administration approving Vendor to receive bulk data distribution, if a Vendor is used to access court information under this request.
5. Copy of any documentation with respect to compliance with the State Board of Accounts and the revenue accounting methods, if applicable.
6. Copy of any subscriber agreements provided by the Court or Vendor, if applicable.
7. Document Submission Checklist (Attach to the front of your request.)

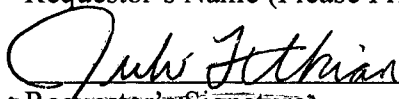
I hereby certify that the abovementioned information is accurate and complete, and that all information will be posted in compliance with Trial Rule 77(K) and Administrative Rule 9.

Julie Fithian

Requestor's Name (Please Print)

Clerk of Circuit Court

Requestor's Title


Requestor's Signature

2-2-2010
Date

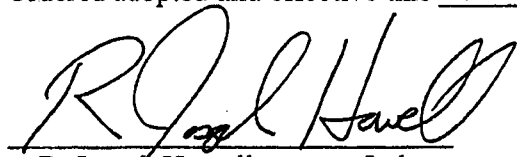
Attachment 1

Copy of the current Consent of the Judges for posting the records under Trial Rule 77(K), required.

**Martin County
Order of Consent for
Electronic Posting of Court Records**

Pursuant to Trial Rule 77 of the Indiana Rules of Procedure, the Martin County Circuit Court hereby consents to the electronic posting of court records and orders the Clerk of Circuit Court to seek the permission of the Division of State Court Administration for such posting using the software and services of Doxpop.

Ordered adopted and effective this 18th day of December, 2009



R. Joseph Howell, Judge
Martin Circuit Court